



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**ELECTRONIC MAIL**  
**CONFIRMATION OF EMAIL RECEIPT REQUESTED**

Mr. Ricky Reese  
Heraeus Noblelight America, LLC  
910 Clopper Road, Suite 120N  
Gaithersburg, Maryland 20878  
[ricky.reese@heraeus.com](mailto:ricky.reese@heraeus.com)

Re: Heraeus Noblelight America, LLC  
FIFRA Notice of Warning  
Case File No. FIFRA-04-2021-0806

Dear Mr. Reese:

The U.S. Environmental Protection Agency has obtained evidence indicating that Heraeus Noblelight America, LLC appears to be in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). On April 6, 2020 and April 7, 2020, FedEx, the licensed customs broker for Heraeus Noblelight America, LLC incorrectly filed entries, in the U.S. Customs and Border Protection (CBP) Automated Commercial Environment (ACE) system for the importation of the pesticide device products, UV disinfection lamps, that arrived at the Port of Memphis, Tennessee FedEx Hub under Entry Numbers 799-67459726 and 799-67296029 on or about March 25, 2020 and April 2, 2020.

Upon further review of the copies of the labels for the UV disinfection lamps, the EPA determined that the lamps were pesticide devices and were misbranded due to the absence of an EPA establishment number, precautionary statement and directions for use statement. Pursuant to 40 C.F.R. § 156.10(a) and Section 2(q)(1)(A) of FIFRA, a pesticide or a device declared subject to FIFRA pursuant to 40 C.F.R. § 152.500, is misbranded if its labeling does not include a precautionary statement and directions for use statement. Pursuant to Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), it shall be unlawful for any person in any State to distribute or sell to any person any device which is misbranded. Further, it was determined the product was not produced in a registered establishment. Pursuant to 40 C.F.R. § 152.500, a pesticide device must be produced in an EPA registered establishment. Further, an entry was not filed, prior to the import of this product. Pursuant to FIFRA 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N), it is unlawful for any person to fail to file reports required by the Act.

In response to the potential violation of FIFRA, the EPA is issuing this Notice of Warning (NOW) to Heraeus Noblelight America, LLC pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a Notice of Warning is the appropriate enforcement response for the company's apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of Heraeus Noblelight America, LLC submits a signed statement indicating that compliance with FIFRA has been achieved and identifying the actions taken to achieve compliance with

the requirements set forth above and submit photographs of the pesticide product label and labeling that are legible and show the product in compliance with FIFRA. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the assessment of a civil penalty. Your statement and photographs should be submitted to:

Kimberly Tomczak  
Pesticides Enforcement Section  
U.S. EPA Region 4  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303-8960

In the event that the EPA decides to initiate a more formal enforcement action, you will be notified in writing and provided an opportunity to meet with the EPA or conduct a conference call to present any facts, evidence or arguments as to why the EPA should not initiate such action.

Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at: [www.epa.gov/compliance/small-business-resources-information-sheet](http://www.epa.gov/compliance/small-business-resources-information-sheet). This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Kimberly Tomczak of my staff at (404) 562-8987 or by email at [tomczak.kimberly@epa.gov](mailto:tomczak.kimberly@epa.gov).

Sincerely,

Kimberly L. Bingham  
Chief  
Chemical Safety and Land Enforcement Branch